

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 6:07-cr-00162

GREGORY ANTONIO PERSON,

Defendant.

**MEMORANDUM OPINION AND JUDGMENT ORDER**


The Court has reviewed the Defendant's motion (Document 67), brought pursuant to 18 U.S.C. § 3582(c)(2), to reduce the Defendant's sentence based on a subsequent reduction in the applicable sentencing guideline. On November 1, 2010, pursuant to the Fair Sentencing Act of 2010, the United States Sentencing Guidelines were amended resulting in reductions in the guidelines in Section 2D1.1 for cocaine base. These temporary, emergency amendments to the Guidelines took effect on November 1, 2010. Permanent amendments implementing the Act were promulgated on April 6, 2011, with an effective date of November 1, 2011. Subsequently, the Sentencing Commission voted to give retroactive effect to the permanent amendments. Pursuant to a Standing Order entered on October 7, 2011, this case was designated to proceed under the Standard Procedure. (Document 69) The Court has since received materials submitted by the Probation Office and the parties on this issue.

The Defendant was sentenced as a career offender. For this reason, his sentencing range is unchanged as a result of the Fair Sentencing Act of 2010 and the November 1, 2011, Sentencing Guidelines amendment. He is, therefore, not eligible for a reduction of his sentence. In their

respective written responses, both the United States and the Defendant acknowledge that the Defendant is not eligible for a sentence reduction. (Documents 70 and 71). For the reasons stated herein, the Court **ORDERS** that the § 3582 Motion (Document 67) be **DENIED**.

The Clerk is **DIRECTED** to send a copy of this Order to the Federal Public Defender, to the Defendant, to the United States Attorney and to the United States Probation Office.

ENTER: December 29, 2011

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA

